

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHNNY RAY CHANDLER, SR.	:	CIVIL ACTION NO. 1:14-CV-0245
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
MS. CINDY SMITH, MR. J. DILTZ,	:	
MS. SUSAN STOVER, MR.	:	
GREGORY BAKER	:	
	:	
Defendants	:	

JOHNNY RAY CHANDLER, SR.	:	CIVIL ACTION NO. 1:14-CV-0668
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
GREGORY K. BAKER,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 10th day of April, 2014, upon consideration of the Bivens¹ complaints (Docs. 1) filed in the above-captioned actions, in which plaintiff, a federal inmate incarcerated at the United States Penitentiary at Lewisburg, seeks to proceed *in forma pauperis* (Docs. 2), and it appearing that consolidation of the actions is warranted as the complaints contain common questions of law and fact,

¹ See Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971) (holding that there exists an implied private action for damages against federal officers alleged to have violated a citizen's constitutional rights).

See FED. R. CIV. P. 42(a)(2), pertaining to the alleged denial of dental treatment, it is hereby ORDERED that:

1. Plaintiff's requests to proceed *in forma pauperis* (Docs. 2) are construed as motions to proceed without full prepayment of fees and costs and are CONDITIONALLY GRANTED.
2. The Clerk of Court is directed to CONSOLIDATE Chandler v. Baker, Civil No. 1:14-CV-0668, into Chandler v. Smith, Civil No. 1:14-CV-0245 pursuant to FED. R. CIV. P. 42(a)(2).
3. The Clerk of Court is directed to CLOSE Chandler v. Baker, Civil No. 1:14-CV-0668.
4. Plaintiff's motion (Doc. 7) to amend his complaint is GRANTED.
5. Plaintiff shall file an amended complaint on or before May 1, 2014.
6. The amended complaint shall contain the same case number that is already assigned to this action, 1:14-CV-00245, and shall be direct, concise, and shall stand alone without reference to any other document filed in this matter. See FED. R. CIV. P. 8(e).
7. Plaintiff is strictly cautioned that the purpose of the amendment is to join the allegations contained in the two separate complaints filed in Chandler v. Baker, Civil No. 1:14-CV-0668, and Chandler v. Smith, Civil No. 1:14-CV-0245, and that any inclusion of separate, unrelated claims will be considered a failure to comply with an order of Court and will result in dismissal of the amended complaint. See FED. R. CIV. P. 20.
8. Failure to file an amended complaint within the specified time period will result in dismissal of the action for failure to comply with an order of court.

9. Plaintiff's motion (Doc. 11) for appointment of counsel is DENIED. At this early juncture in the proceedings, it is assumed, for purposes of this motion, that plaintiff's Bivens claims have an arguable basis in law or fact, that he is capable of properly and forcefully prosecuting his claims, and that discovery neither implicates complex legal or factual issues nor requires factual investigation or the testimony of expert witnesses. see Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993) (listing factors relevant to request for counsel).
10. Plaintiff's motion (Doc. 9) for summary judgment pursuant to Fed. R. Civ. P. 56 is DENIED as premature.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania